IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(Crl.).No. 224 of 2007(S)

PETITIONER:

AJITHA, D/O SUKUMARAN, AGED 30 YEARS,
S.K.NIVAS, KEEZHATTINGAL P.O.,
NEAR INDIA OVERSEAS BANK, ATTINGAL.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. THE DY.SUPERINTENDENT OF POLICE,
ATTINGAL.

3. THE CIRCLE INSPECTOR OF POLICE,
KADAKKAVOOR.

4. THE SUB INSPECTOR OF POLICE,
CHIRAYINKEEZHU.

5. S.K.SUBHASH @ SUNIL, S/O SREEDHARAN,
MULACKAL VEEDU, ANATHALAVATTOM P.O.,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DISTRICT.

6. NAYANA, D/O UDAYAKUMAR,
KUTHIRAVILAVEEDU, ANATHALAVATTOM P.O.,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DIST.

R1 TO R4 BY GOVT.PLEADER SRI C.M.KAMMAPPU

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & V.K.MOHANAN, JJ.

W.P.(Crl)NO.224 OF 2007

Dated this the 25th day of September, 2007

JUDGMENT

Raman, J.

This habeas corpus petition is filed for production of the petitioner's minor child. The allegation in the petition is that her minor child is in the custody of respondents 5 and 6. Admittedly, 5th respondent is the father of the child and husband of the petitioner. The 5th respondent has already issued a notice of divorce to the petitioner. Petitioner has not so far moved the Family Court for custody of the child under the Guardian and Wards Act or under any other provisions. Leaving open the right of the petitioner to approach the Family Court, this writ petition is dismissed.

P.R.RAMAN,
Judge.

V.K.MOHANAN,
Judge.

kcv.